



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SUBMISSION OF SIGNED DECLARATIONS

ATTN: MAIL STOP MISSING PARTS

APPLICANT: Peter ROTHER et al CONFIRMATION NO.: 8087
SERIAL NO.: 10/804,944 GROUP ART UNIT: 2882
FILED: March 19, 2004
TITLE: "X-RAY BEAM EMISSION WINDOW FOR VACUUM TUBES"

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

SIR:

In response to the Notice dated June 3, 2004 (copy attached), Applicants herewith two signed Declarations for the above application (one signed by Jutta Rother as legal representative and heir of the deceased inventor Peter Rother, and one signed by the inventor Peter Schardt), together with a check for the statutory fee in the amount of \$130.00.

Submitted by,

Steven H. Noll (Reg. 28,982)

Schiff, Hardin LLP
CUSTOMER NO. 26574
Patent Department
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
Telephone: 312/258-5790
Attorneys for Applicant.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on July 16, 2004.

Steven H. Noll

STEVEN H. NOLL

O P E SC105
JUL 19 2003
PATENT & TRADEMARK OFFICE

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

"X-RAY BEAM EMISSION WINDOW FOR VACUUM TUBES"

Case No. P04,0081, the specification of which

(check
one) is attached hereto.
 was filed on _____, as
Application Serial No. _____
and was amended on _____.
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent Office all information which is known to me to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, 1.56(a).¹

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and I believe that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as identified below:

I hereby claim foreign priority benefits under Title 35, United States, 119 of any foreign application(s) for patent or inventor's certificate listed below

Prior Foreign Application(s) Number	Country	Date
103 13 863.3	Germany	March 21, 2003

and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the above listed application on which priority is claimed:

Prior Foreign Application(s) Number	Country	Date
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¹ (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

If no priority is claimed, I have identified all foreign patent applications filed prior to this application:

Prior Foreign Application(s)

Number

Country

Date

And I hereby appoint all attorneys identified by United States Patent & Trademark Office Customer Number 26574, who are all members of the firm Schiff Hardin LLP

Telephone 312/258-5500 Patent Department

my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and direct that all correspondence be forwarded to:

Schiff Hardin LLP

Attn: Patent Department

6600 Sears Tower, Chicago, Illinois 60606 -6473
Customer Number 26574

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor:

PETER ROTHER (Deceased)

Inventor's signature:

Signature on behalf of the first inventor by his legal representative and heir
Jutta Rother
(JUTTA ROTHER)

Date: 29.03.2004

Baiersdorf, Germany

Germany

Hutzelmannstr. 25

91083 Baiersdorf, Germany

Full name of second joint inventor,

(If any):

PETER SCHARDT

Inventor's signature:

Date:

Residence:

Höchstadt, Germany

Citizenship:

Germany

Post Office Address:

Kieferndorfer Weg 10

91315 Höchstadt, Germany

Full name of third joint inventor,

(If any):

Inventor's signature:

Date:

Residence:

Citizenship:

Post Office Address:

DECLARATION AND POWER OF ATTORNEY



As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

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Case No. P04,0081, the specification of which

(check one)	<input checked="" type="checkbox"/> is attached hereto. <input type="checkbox"/> was filed on _____, as Application Serial No. _____ and was amended on _____. (if applicable)
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Prior Foreign Application(s)

Number

Country

Date

And I hereby appoint all attorneys identified by United States Patent & Trademark Office Customer Number 26574, who are all members of the firm Schiff Hardin LLP

Telephone 312/-258-5500 Patent Department

my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and direct that all correspondence be forwarded to:

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6600 Sears Tower, Chicago, Illinois 60606 -6473

Customer Number 26574

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Full name of sole or first inventor: PETER ROTHER (Deceased)

Inventor's signature: _____
Signature on behalf of the first inventor by his legal representative and heir
(JUTTA ROTHER)

Residence: Baiersdorf, Germany
Citizenship: Germany
Post Office Address: Hutzelmannstr. 25
91083 Baiersdorf, Germany

Full name of second joint inventor,
(If any): PETER SCHARDT

Inventor's signature: Peter Schardt Date: 03-30-2004
Residence: Höchstadt, Germany
Citizenship: Germany
Post Office Address: Kieferndorfer Weg 10
91315 Höchstadt, Germany

Full name of third joint inventor,
(If any): _____

Inventor's signature: _____ Date: _____
Residence: _____
Citizenship: _____
Post Office Address: _____